

ORIGINAL

FILED  
03 MAY 29 PM 2:29  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

James Centobene, J-17051  
P.O. Box 705, RB-201L  
CTF - North Facility  
Soledad, CA 93960-0705

Telephone: N/A

Plaintiff, Propria Persona

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES CENTOBENE,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER, Governor,  
State of California; JAMES  
TILTON, Secretary, Dept. of  
Corrections and Rehabilitation;  
SCOTT KERNAN, Director, Division  
of Adult Institutions, Dept. of  
Corrections and Rehabilitation;  
TERRI McDONALD, Chief Deputy  
Administrator, California Out-  
of-State Correctional Facilities  
Unit, Dept. of Corrections and  
Rehabilitation; BEN CURRY,  
Warden, Correctional Training  
Facility; and, DOES 1 through 5,

Defendants.

No. \_\_\_\_\_

18  
WFL  
(PR)

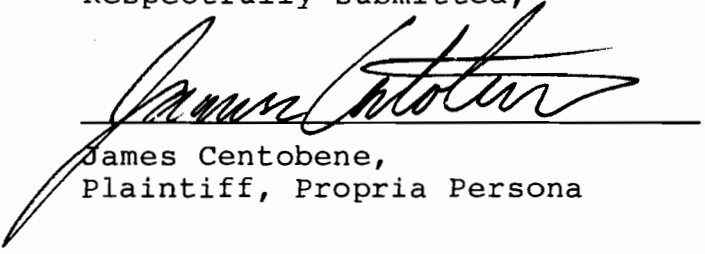
PLAINTIFF'S EX PARTE MOTION  
FOR SERVICE OF PROCESS BY  
THE UNITED STATES MARSHALS'  
OFFICE WITHOUT PREPAYMENT  
OF PROCESS SERVICE FEES;  
DECLARATION; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
AND, EXHIBITS

Plaintiff, James Centobene, hereby moves the Court for  
an Order, directed to the United States Marshals' Office, for  
the Service of Process in the above-named action without the  
prepayment of process service fees. This motion is based on

1 this motion, Plaintiff's declaration, the memorandum of points  
2 and authorities, and exhibits attached hereto.

3 DATED: *May 22, 2008*

4 Respectfully submitted,

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6 \_\_\_\_\_  
7 James Centobene,  
8 Plaintiff, Propria Persona  
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DECLARATION OF PLAINTIFF

I, James Centobene, declare as follows:

1. I am the plaintiff in the attached action.

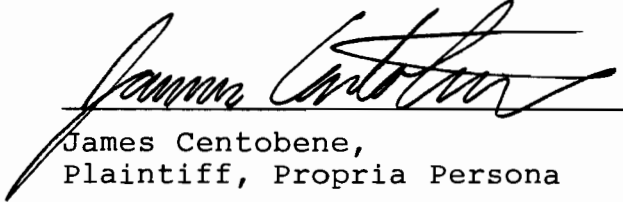
2. I am seeking a Temporary Restraining Order ("TRO") and Preliminary Injunction in this action. As a result, I will need to have the United States Marshals' Office serve the defendants with the Complaint, Summons, Request for TRO and Preliminary Injunction -- and the TRO, if issued -- as soon as possible.

3. I have sufficient funds to pay for the Service of Process by the United States Marshals' Office. (See Inmate Trust Account Statement dated April 8, 2008, Exhibit A.)

4. However, because I do not have direct access or control over my funds, I am unable to have a money order issued to the United States Marshals' Office in a timely manner consistent with the expedited service that I am seeking.

5. WHEREFORE, I am seeking an Order for the Service of Process by the United States Marshals' Office without the prepayment of process service fees.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this declaration this 22<sup>nd</sup> day of May, 2008, at the Correctional Training Facility in Soledad, California.

  
James Centobene,  
Plaintiff, Propria Persona

MEMORANDUM OF POINTS AND AUTHORITIES

The Federal Rules of Civil Procedure, Rule 4(c)(2), provides that: "At the request of the plaintiff, [], the court may direct that service be effectuated by a United States marshal, deputy United States marshal, or other person or officer specially appointed by the court for that purpose."

In addition, the "Process Receipt and Return" form (Form USM-285 (Rev. 12/15/80)) provided by the United States Marshals' Office specifically provides for the option of being billed for their services. (Page 4 of Form USM-285.)

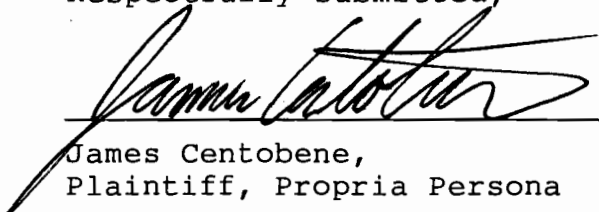
Accordingly, it is fully within this Court's discretion to order the Service of Process without the prepayment of process service fees. In addition, Plaintiff submits that such an Order is necessary to prevent the irreparable harm he seeks to enjoin in the accompanying pleadings.

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WHEREFORE, Plaintiff respectfully requests that an Order for the Service of Process by the United States Marshals' Office without the prepayment of process service fees should issue.

DATED: *May 22, 2008*

Respectfully submitted,

  
James Centobene,  
Plaintiff, Propria Persona

**EXHIBIT A**

**EXHIBIT A**

REPORT ID: TS3030 .701

REPORT DATE: 04/08/08

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CTF SOLEDAD/TRUST ACCOUNTING  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU APR. 08, 2008

ACCOUNT NUMBER : J17051  
ACCOUNT NAME : CENTOBENE, JAMES  
PRIVILEGE GROUP: A

BED/CELL NUMBER: NORBT2000000201L  
ACCOUNT TYPE: I

## TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
01/01/2008		BEGINNING BALANCE					936.06
01/14	FR01	CANTEEN RETUR	702181			25.00-	961.06
02/21	W450	DONATION-VETE	2701MOHIGH			23.00	938.06
03/17	FC02	DRAW-FAC 2	3022 UN-I			60.00	878.06
03/21	D300	CASH DEPOSIT	3066 68451		50.00		928.06

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
936.06	50.00	58.00	928.06	0.00	0.00

CURRENT  
AVAILABLE  
BALANCE

928.06